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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,132	10/23/2001	Alexander W. Whytock	9086.00	8040

26889 7590 03/17/2005

MICHAEL CHAN  
NCR CORPORATION  
1700 SOUTH PATTERSON BLVD  
DAYTON, OH 45479-0001

EXAMINER

TRUONG, LAN DAI T

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/004,132

Applicant(s)

ALEXANDER W. WHYTOCK

Examiner

lan dai thi truong

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/26/02</u> | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### Claim rejections-35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1) Claims 1-3, 5-6, 8, 10, 12, 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Carloganu et al. (U.S. 6,226,749), herein after referred to as Carloganu claims

In referring to claims 1, 6, 8, 10, 12, 14, the limitations:

1a) “Keypad” is matched (Carloganu: abstract, lines 1-2; column 10, lines 26-30)

Carloganu discloses a method and apparatus for operating a set of resources under the control of secure processor such as security module. Carloganu discloses a security system that includes a keypad.

1b) “An encryption unit including an interpreter for receiving a file containing data and instructions for processing the data, the encryption unit including means for processing the data in the file by interpreting the instruction in the file” is matched (Carloganu: figure 11, items 150, 153, 155; column 11, lines 38-54, lines 59-61; column 12, lines 61-67; column 15, lines 24-30, lines 47-62; column 16, 1-35; column 20, lines 64-66)

Carloganu discloses a “command interpreter” which is equivalent to “interpreter” in command processor of security module which receives and segregates the “command” which is equivalent to “instruction” and data. Carloganu also discloses the security module includes an associated command is executed and the appropriate data is returned. Carloganu’s method meets the limitation “An encryption unit including an interpreter for receiving a file containing data and instructions for processing the data, the encryption unit including means for processing the data in the file by interpreting the instruction in the file.”

In referring to claim 2:

1c) “Wherein the interpreter is implemented in software” is matched (Carloganu: column 10, lines 54-67; column 11, lines 25-32; column 19, lines 31; column 20, lines 26-30)

Carloganu discloses an application software program is used in security module to invoke a command provides for both a blind display of entered keyboard data and encryption of that data so that only encrypted data will be returned to the application program. Carloganu’s method meets the limitation “wherein the interpreter is implemented in software.”

In referring to claim 3:

1i) “Wherein the interpreter is implemented in firmware” is matched (Carloganu: column 1, lines 40-48; figure 2, item 50; column 10, lines 45-51)

Carloganu discloses security module could be implemented in one “chip system” or a multi-chip system, those are equivalent to “firmware”. Carloganu’s method is meets the limitation “the interpreter is implemented in firmware.”

In referring to claim 5:

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1j) "Wherein the encrypting keypad module is a single integrated unit" is matched

(Carloganu: column 10, lines 26-30; column 20, lines 58-60)

Carloganu discloses a PIN-pad system, in which a keypad resource and display resource operate under control of command processor in "security module" which is equivalent to "encrypting keypad module." Carloganu's method meets the limitation "Wherein the encrypting keypad module is a single integrated unit."

### **Claim rejections-35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2) Claims 4, 7, 9, 11, 13 are rejected under 35 U.S.C 103(a) as being un-patentable over**

**Carloganu et al. (U.S. 6,226,749), in view of Drummond et al. (U.S. 6,598,023)**

*In referring to claims 4, 7, 9, 13, the limitation:*

2a) "Wherein the file has a structure comprising tagged commands and data" is not disclosed by Carloganu

However Drummond disclosed an automated banking machine is operative to conduct transactions in response to HTML documents and TCP/IP messages exchanged with a local computer system through an intranet, as well as in response to message exchange with foreign servers. Drummond disclosed “a message” which is equivalent to “a file” includes “documents” which is equivalent to “data” and “tags” what are equivalent to “tagged commands”, see (Drummond: abstract, lines 1-6; column 2, lines 42-62; column 5, lines 27-40; column 6, lines 33-58). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify “data and appropriate encryption instructions” as elements in a file of Carloganu to “documents and tags” as elements in a message as taught in Drummond, so tags are used as programming instructions for document processing. The combination would have been obvious because one of ordinary skill in the art would have been motivated to use the tags as codes with define features and /or operations of documents, see (Drummond: column 2, lines 42-62).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to lan dai thi truong whose telephone number is 571-272-7959. The examiner can normally be reached on monday- friday from 8:30am to 5:00 pm.

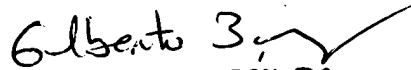
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ldt  
03/14/2005

Lan Dai Thi Truong  
Examiner  
Art Unit 2132

  
GILBERTO BARRON JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100  
GILBERTO BARRON JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100